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G. R. S. IX-5]

Previous references.

File No. 213-16

1916-17
(Police)

Serial Nos. 164

Later references.

Police 25-21 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 164

Part B for March 1918.

SUBJECT.

Result of the enquiry regarding the disturbance caused by British Soldiers on the Munnurdoipalayam Road on the night of the 29th March '17.

W D 88—GPB—50,000—24-7-16

Mr Abdur Rahman
27.8.1918 Chair

GENERAL AND REVENUE SECRETARIAT.

(P.)

NOTES.

File No.

FILE HEADING.

Result of the enquiry ~~into~~ regarding the disturbance caused by British soldiers ~~on~~ on the Municipal Mysore road on the night of the 29th March 19

From

Lt. E. Tucker (7-A-R)

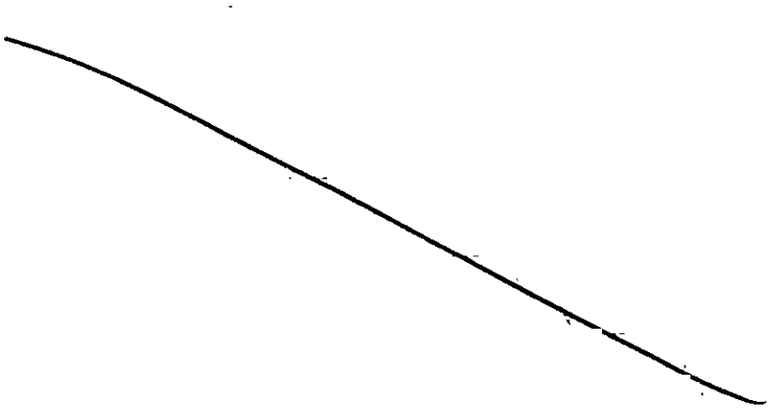
No. 40. 4217 Dated 30-5-17 Received 31-5-17

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

States that the non commissioned officer concerned in the above was acquitted by Lt. Court Martial and that Mr. Cobb hopes & believes that the full & careful manner in which the enquiry has been conducted & the publicity following upon the holding of a court martial will so far tend to preventing the possibility of any similar occurrence in future.

NOTES AND ORDERS.



NOTES—First Sheet.

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G. R. S. III-2]

General and Revenue Secretariat. | (91) File No. 413 of 191 6.

Serial No.

C.S

C/f to Dewan D.E.M. with the file note :—

The result is very ~~unsatisfactory~~ unsatisfactory. The case will be examined once again with a view to see whether any further action can be taken today.

Dr 31/5

C.S 2/5

Get reply with a note from Dr III in 2 days Dr 3/5

3/5 copies have been submitted to Dewan & Extraordinary member. The letter is submitted to Dept. Secy, III, for further action.

Asst 31.5.17

GS 2/5

NOTE—Contn. sheet.

(3

COPY OF LETTER NO.4217, DATED 30TH MAY 1917, FROM THE FIRST ASSISTANT TO THE HON'BLE THE RESIDENT IN MYSORE TO THE SECRETARY TO GOVERNMENT, GENERAL DEPARTMENT.

---:o:O:o:---

With reference to your demi-official letter No. Pol.1138, dated the 18th May 1917, I am desired to state for the information of the Durbar that the non-Commissioned officer was acquitted by the District Court Martial.

2. I am to add that Mr. Cobb, who has carefully studied the proceedings of the court martial, considers that on the evidence produced which fairly represented both sides of the story, it would have been difficult for the court to have arrived at any other decision.

3. Lastly, I am asked again to convey an expression of the Resident's sincere regret in regard to this unfortunate incident which has terminated in the death of one of the Durbar's trusted and valuable officers. Mr. Cobb hopes and believes that the full and careful manner in which the enquiry has been conducted by the military authorities together with the publicity following upon the holding of a district court martial will go far towards preventing the possibility of any similar occurrence in future.

.....

Submitted to the Extraordinary Member of Council for kind perusal.

The result is very regrettable. The case will be examined once again with a view to see whether any further action can and ought to be taken by us.

GEN. & REV. SECRETARIAT
V A S
GENERAL
2 JUN 1917

Sharanova Member

Dewan 3/VI

4) The question whether in such cases any compensation be to the family in any form could be claimed may also be examined.

5) As III For a full note will also appropriate in 3/6 Dewan

Dewan 31.5.17.

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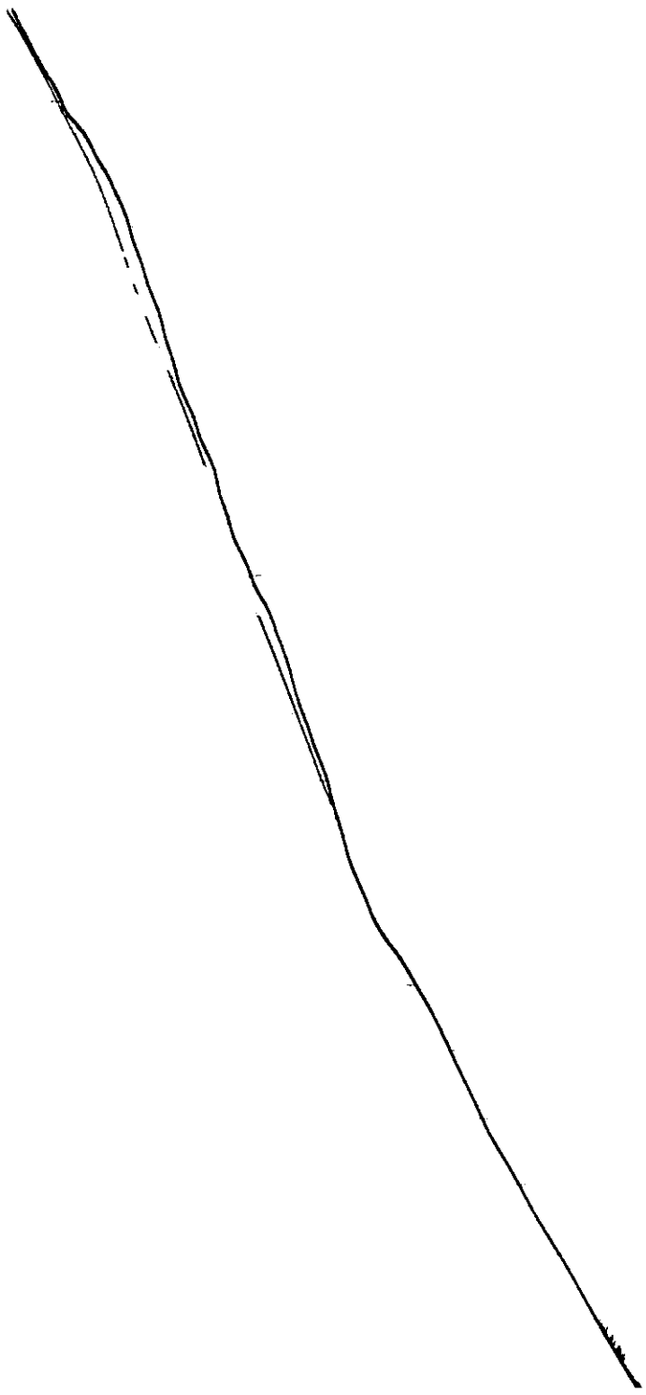
G. R. S. III-2]

General and Revenue Secretariat. | File No. 21 of 191

Serial No.	
	D.O. dt 6.6.17 from Mr. K.R.S. Sivaswamy Requesting for a copy of the judgment of the Court-Martial.



NOTE—Contn. sheet.

JD 1233—GPB—60,000—1-12-16—S.

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G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191[illegible].

Serial No.

61) The law in British India regarding the trial of Soldiers & Subjects to the British Army Act is contained in S 41 of the Army Act (44 & 45 Victoria Ch 58) and S 549 of the Criminal Procedure Code. Under S. 41 of the Army Act, Military Courts Martial have jurisdiction to try offences against the ordinary Criminal law committed by persons subject to the Military law wherever they may be committed. But the jurisdiction to try cases of treason, murder, manslaughter, treason felony, or rape, is restricted to Gibraltar and places out of His Majesty's Dominions, except in the case of persons on active Service out of the United Kingdom or where the offence was committed at a place out of the U.K more than 100 miles from a city or town where having a competent Court.

This Section ~~has been construed to mean~~ does not ~~to~~ deprive the Civil (as opposed to Military) Courts of jurisdiction over Soldiers committing offences within the territorial limits of those Courts and Courts for any person of a military trial being held. (Vide Emperor v Maguire 5 Calcutta 80).

7) When both the ordinary criminal Courts and the Courts Martial have concurrent jurisdiction to try offences against the ordinary criminal law by soldiers subject to the British

Time when detached shall be kept in office will be noted in [illegible]

NOTE—Contn. sheet.

MD 1223—GPB—60,000—1-12-16—S.

16

G. R. S. III-2]

General and Revenue Secretariat. | File No. 13 of 191 C

Serial No.

Army Act. In such cases, the Governor General in Council has been empowered to make rules under S. 549 of the Criminal Procedure Code as to the cases in which the soldiers shall be tried by the ordinary Courts or by Court martial. Under these Rules framed by the Governor General in Council, a magistrate shall not proceed to try them unless he is moved to do so by the military authorities, or is of opinion for reasons to be recorded in writing that he ought to proceed. In the latter case, he ought to give notice to the commanding officer, and if the officer notifies that the accused should be tried by a Court martial, the magistrate shall stop proceedings and deliver the accused to the military authorities.

8) But it seems to me that under the S. 162 of the Army Act the trial of the accused does not exempt him from being proceeded against in the ordinary Courts of law. Paragraph (1) of that Section says:-
"If a person sentenced by a Court martial in pursuance of this Act to punishment for an offence is afterwards tried by a Civil Court for the same offence that Court shall in awarding sentence punishment, have regard to the military punishment he may have already undergone." This seems to me to imply that the conviction or acquittal of a soldier by a Court martial is no bar to his trial by the ordinary Courts

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—B

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G. R. S. III-2]

General and Revenue Secretariat. | P.C. File No. 215 of 191 1.

Serial No.

under S 549 of the Criminal Procedure Code, the rules framed by the Governor General in Council have must be consistent with the Army Act and cannot override its provisions. Hence the jurisdiction vested in the ordinary Criminal Courts under S 162 of the Army Act can not be divested by any rules framed by the Govern mt.

9) The Army Act and the British Indian Criminal Procedure Code have no free in Cyprus. But as the State Courts have no jurisdiction over European British subjects, these Soldiers as European British subjects can be tried only by Justices of Peace appointed by the Governor in Council under the Foreign Jurisdiction Order in Council. The Justices of Peace are bound by the two Acts referred to above, and will have to be construed as the "civil Courts (as opposed to the Military Courts) mentioned in S 162 of the Army Act. It does not seem necessary that the Courts in question should be within British India.

10) ~~Regarding the proposal, as to the~~ ~~case~~ The trial of the N.C Os in the recent cases may be validly conducted under the law, and the Court-martial is one constituted under the Army Act. But the acquittal does not prevent the case being

NOTE—Contn. sheet.

FD 1233—GPB—60,000—1-12-16—S.

General and Revenue Secretariat. | File No. 23 of 1916.

Serial No.

13) Sa gives with the Govt Views —
Please examine the evidence carefully. If possible, the question ought to be pressed in any opinion. Guilt, especially in a case of this kind, ought not to go unpunished: why not we ask for copies of Court Martial proceedings. Add'l Dist Magt may be consulted. Any steps to be taken against ? Duncan 7/6

placed again before the Justice of the Peace.

11) On the merits, however, there does not appear to be good chance of success. The evidence regarding the actual upsetting of the dogcart by the Soldiers is not convincing, and in a regular trial before the J.P. the question of identity will be very difficult to prove satisfactorily, especially considering that the incident took place at a late hour in the night.

~~Sd~~

FS
7/6

~~Sd~~

12) The grass near the Lalbagh amounts to an affray, and as both the Soldiers and natives are concerned, it will be a fit case for trial by a Justice of the Peace, if prosecution is ~~desired~~ considered desirable. The Military authorities may in that case be asked to surrender the Soldiers for trial before a Justice of Peace. A case in which the military authorities surrendered one Sepoy of the Sherwood Foresters for trial by the Civil Court is about up here with for reference.

FS
7/6

14) A draft letter self contained to the Resy Engr herewith. Duncan 7/6

15) Seen) Vide marginal remarks - the two files should be kept distinct. The Resy Engr should deal with the inadequacy of the measure adopted by the Mily - & in placing off the Lal Bagh within prohibited hours etc by bounds. Duncan 7/6 Dy Secy 8.7.16.

NOTE—Contn. sheet.

7 C This file should be laid down & not destroyed

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G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No.

16) Subs. with a draft to the Residency requesting them to send copies of the Proceedings before the Court Martial

7/6/17

17) Issue

7.6.

3 Camp No J 28 dated 9th June 17) To the J. A. Resident Requests him to send the proceedings before the Courts Martial

18) There are two points connected with the case. The soldier admittedly was tapped the Municipal Police Orders by stopping (1) the cart and forcibly leading it to the guard room. The (2) capsizing of the cart forms the Second phase of the incident. The Court of Enquiry ~~order~~ merely state as regards the first phase ~~of the~~ Amendment that the N.Co. acted in excess of his orders but did so with the intention of stopping what might be a danger to the public generally.

19) ~~Then~~ The question for consideration whether this opinion by itself can be regarded as sufficient for the offence committed.

20) This question along with that regarding the Second phase ~~was~~ (are) to be approved,

Illegal detention.

NOTE—Contn. sheet.

AD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 4/5 of 191 C

Serial No.

be reexamined after the Court proceedings of the Court Martial are received.

Gs
9/6

21) Yes. Records should be kept safely. Copies of the Proceedings should be retained safely.

Secy
13/6
Gs 13/6.

22) No reply has yet been received from the Residency. Subd. with a D/ of reminder.

P/f.
21.6.17.
21/6

23) Wait till Saturday.

Gs
21/6

24) Subd. No reply has yet been received.

P/f.
25.6.17.

25) Done

Gs 25/6

To The 7-A. Resident. no Pol 1285 D/ 25.6.17

Reminder.

From The 7-A. Resident. no. 5083. D/ 4.7.17

States that the military authorities have been addressed in the matter and a reply is awaited.

26) Subd. for perusal.

P/f.
6.7.17.

Gs 6/7

From The 7-A. Resident. no. 6071 D/ 13.8.17

Forwards copy of the proceedings of

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

the Dist. Court martial.

27)) Sald. for orders.

R.T.
14-8-17
W.H. 28))

The District Court martial was convened to try only one charge, viz that ~~the accu~~ Private Parry committed an act to the prejudice of good order and military discipline in that he unlawfully stopped a dogcart containing 3 officers of the Imperial Service Lancers and placed them to accompany him to the guard room of the Imperial Service Transport Corps. No charge was framed in regards to the upsetting of the trap, as the Court ~~of Enquiry~~ held that ~~this~~ could not say from the conflicting evidence to those in the immediate fault the accident to the trap was due. 29)).

11

In regard to the charge before the Court Martial, the evidence consists mainly of the statements made by the members of the picquet, ~~and~~ 3 officers who, on information of the disturbance, came to the guard room, the two officers (of the 3-8-17) who were in the trap, and two of the men in the guard room.

30)) The evidence adduced by the members of the picquet establishes the following points:-

1. That the trap was coming towards from each side of the road to

NOTE—Contn. sheet.

WD 1283—GPB—60,000—1-12-16—S.

G. R. Ś. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

do the other,

2. that the ship had no lights,

3 that it was coming very fast,

4. that the men in the ship were drunk and incapable controlling it,

5, that the men did not stop till the ship was actually seized,

6. that ~~they~~ the ship was taken to the guard room, and th

7, that then the men of the picket were arrested by the orders of the men in the ship.

31)) Points 5, 6, and 7 are admitted by the two officers Mr Bintoni and Mr Hanumantha Rao who were in the ship. Mr Bintoni also swears that it was he who requested the picquet to take them the guard room.* This admission is likely to be interpreted as implying that it was not a proper taking to the guard room but the soldiers carried by and had taken them to the guard room.

32)) Mr Bintoni admits that the ship was coming at a fair speed, and thus considerably supports the evidence of the picquet.

33)) In regard to point No 4, both the officers Mr Bintoni and Mr Hanumantha Rao admit that they had all taken liquor before starting in the ship. The evidence of the

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

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picket, and of the officers who subsequently joined them at the guard room clearly shows that the officers at the trial were drunk and not able to control themselves. The admission already made above goes to support this evidence.

34) Mr Bimbori denies that the trap had no lights, but considering that the evidence of the picket has been proved to be trustworthy in all the other points, it seems doubtful if his denial can be believed. [In this connection it may be noted that the evidence of the delegate Mubadi recorded on the next day by the Deputy Collector, corroborates the evidence of the soldiers that the trap had no lights].

The officers in the trap were admittedly in plain clothes and the soldiers declare that they were not informed that the men were officers, but Mr Bimbori says that this statement was not noticed

35) Then the evidence clearly proves that the trap was being driven at a fast rate by the three officers under the influence of liquor, that they were not able to control themselves, and that the picket stopped the cart and took it to the guard room. Even granting the points proved above (it may be argued that the picket was not justified in stopping the men and taking them forcibly to the guard room, and that they are technically guilty of assault or wrongful restraint.

36) It is proved that the soldiers were

NOTE—Contn. sheet.

Serial No.

passing on this road at this time of the night and if the men had no conflict over the cap, and were also under the influence of liquor, there is and the carriage had no lights, there was a possibility of an accident to ~~any~~ the soldier passing on the road. No criminal intention has been proved as against the ~~Officer~~ N.C.O. in charge of the picquet. The case may therefore be brought under S.83 ~~of~~ I.P.C. as an act done without criminal intent and to prevent other harm.

It seems to me that on a careful consideration of the evidence, the view taken by the District Court Martial cannot be seriously objected to.

BP) Submitted for orders

Ex 25/8

Sd/-

38) The result is very disappointing. For the reasons stated above, the matter may be dropped.

Fd Hqrs 29/8

39) I do not see any reason to differ

29/8

31/8

40) Submd. It is a matter for consideration whether this should not go up to H.H. (Vide para 2 of the Submn. Note in the linked file.)

3.9.16

(Flb Qm 189-16)

NOTE—Contn. sheet.

ND 1233—GPL—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. of 191

Serial No.

41) In favour of order.

Sec. (42) The matter is one of some importance & interest. The result of the subsequent action may be submitted to H.H. for his sign.

Dewan

1655-
15-9-17

Reminder from Dewan for report regarding Bar which please see further note

8/10/17

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Serial No.

The incident regarding the overturning of the cart was not one of the questions referred to the Court Martial for enquiry. The Court of Enquiry who conducted the preliminary enquiry were of opinion that from the conflicting evidence it could not be said to whose immediate fault the accident to the trap was due. Hence that question was not referred to the Court Martial for trial.

In regard to this incident the evidence of the European witnesses is as follows:-

1. Lance Corporal R.H.Parry:-

"I went on with the trap and the picquet to the Native Cavalry Guard Room by the road side and there I was placed with the picquet under arrest. The Guard had their swords drawn. The N.C.O of the Guard handed the reins to one of the men in the trap, which started off again at a furious pace towards Bangalore. I looked round and found the trap had upset just round the corner of the road to the Lancer Lines. The occupants of the trap were drunk. One of them nearly fell out. I had to put him back in his seat."

2. Private Hughes:-

"On arrival at the Native Guard Room, the guard turned out. Some of the men had their swords drawn. One of the guards took the reins

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from Corporal Parry and turned the trap round. The trap started off very quickly and upset, turning the corner by the Guard Room, which I thought was because the men were incapable of controlling it."

3. Private Caldwell:-

"We lead the trap down the road to the - Guard Room and the Guard turned out with their swords drawn. They surrounded us and one of the Guard turned the trap round, and the trap then drove off and upset going round the corner. In my opinion the occupants of the trap were - drunk. One of them nearly fell out. Corporal Parry pushed him back again."

4. 2nd Lieutenant Spowers:-

" I saw one native and he was drunk. So I ordered him to be arrested, and then Major Dinning tapped me on the shoulder and said - that I had better be careful as the man was an officer. The man appeared to me to be quite unsteady on his legs and was being supported on either side."

5. Private Fletcher:-

" I twice prevented one of the men falling out which he should have done had I not have been there. He was drunk and kept saying 'Thank you, Sir'. When he got to the Guard -

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G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

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room, the picquet was surrounded by the Native Guard. The trap was turned round and it went off upsetting at the corner. The trap was by itself when it upset."

6. Private Vaughan:-

As soon as the gharry arrived at the Guard room, the Native Corporal arrested us. I was under arrest when the horse bolted and the - trap upset."

7. Private Thomas:-

" Soon after the reins were handed to the driver of the gharry, we were put under -- arrest.

8. Boston:-

" As soon as the gharry arrived at the Native Guard Room, we were immediately placed under arrest. The reins were handed back to the driver, and the pony took fright and the trap overturned at the corner."

The evidence of the Lancers and two of the officers is as follows:-

1. Risaldar Hanumantha Rao:-

" We came near the Imperial Service Transport Corps main guard. We told the soldiers that we would go to our lines and asked them to let us go and we turned the dog cart. They caught hold of the mule and stopped the cart.

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G. R. S. III-2]

General and Revenue Secretariat. | P.] File No. of 191

Serial No.

The Officer Commanding the Depot then called the Guard. Before the men of the Guard came to the spot, the soldiers capsized the cart. I called out the guard and managed to detain the soldiers from running away.

Q. Where had you been drinking?

A. In the Bazaar.

Q. What liquors did you take?

A. Country liquor.

Q. Had the Depot Commandant or had he not been drinking country liquor?

A. Yes, he had been."

2. Rissaldar Abdul Fakir Bintoori:-

" The soldiers took us to our guard where the Depot Commander called the Duffedar of our guard and told him to make the soldiers understand - that we were officers and going to our lines. Afterwards they wanted to take us to the British Guard. Our Depot Commander turned the mule and whipped it. The soldiers followed the cart, - jerked the mule's bridle and the cart turned - over.

Q. Had you taken some liquors in Bangalore?

A. Yes, a little.

3. Lance Duffedar Sambaji:-

" The Commandant ordered me to take the - reins from the soldier, and the sentry handed

NOTE—Contn. sheet.

JD 1233—GPB—60,000—1-12-16—S.

Serial No.

the reins to the Commandant. The soldier gave them unwillingly and the other soldiers stood quiet - looking on. The sentry turned the trap round as the Commandant told him to turn it round towards the lines. The trap started off followed by all the soldiers. The soldiers were holding the trap. Turning the corner the trap upset, and 3 soldiers ran away. Seven came back to me. In my opinion the soldiers upset the trap.

4. Sowar Kandu Rao Kalay:-

"Two soldiers were holding the reins one on each side. The Commandant ordered me to fall in the Guard and I did so. He told the guard N.C.O. to take the trap from the soldiers and turn it to the road to the Lines. The reins were handed to the Commandant and the trap was turned round. Two soldiers again held the mule's head and the trap started off slowly to the Lines and upset at the corner. I cannot say how it upset."

5. Sowar Abdul Azeez:-

" The reins were given to the Commandant and the trap was turned out towards the Lines. It had gone only two paces when two soldiers seized the reins again and others held the wheels and trap and upset it.

The evidence on the point seems thus to be

WD 1233—GPB—60,000—1-12-16—S.

(21

G. R. S. III-2]

General and Revenue Secretariat. | F. File No. 2,3 of 191 6

Serial No.

conflicting, and there do## not appear to be very good grounds for moving the Government of India in the matter.

8/10

Sd.) I have gone through the case and am obliged to agree with the view stated above. Though the European soldier witness are not perhaps stating the whole truth the evidence on the other side is equally open to the same imputation. On the whole it does not appear to be a ~~fit~~ strong case for further action.

Dewan).

2092 8/10/17

CSS 8/10/17. 8/10

This may be placed before the Hon'ble Member for Finance & an expression of his views.

9.10.17 CO

Sd. [illegible] Ist member

CSS 10/10/17 11/10/17

1486 15.10.17

None can be [illegible] for any [illegible] action. The evidence on both sides is [illegible] as it is & the [illegible] & that on one side is worse [illegible] as it does from persons under the influence of liquor

15/10

NOTE—Contn. sheet.

ND 1283—GPB—60,000—1-12-16—S.

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(82

G. R. S. III-2]

General and Revenue Secretariat.

File No. 2/3 of 191 6

Disturbance by British Soldiers at Municipality.

Serial No.

2269
18/10/17

Dewan)

CBS
17/10/17

B
18/10

A brief narrative account may be prepared on this unfortunate occurrence for record; and the papers with the note ~~be~~ submitted to His Highness, for information.

10.11.17.

Asst Secy Th.
Please prepare the account ~~as~~ directed above by the 20th.

CBS
18/11/17

Submitted with a short account for approval.

ES
19/11

Chief Secy) Please revise the account as indicated ~~above~~ opposite & put copies—

CBS
20/11/17

Revised Fair copy is submitted

ES
21/11

Chief Secretary)

Dewan)

2719
21.11.17

CBS
24/11/17

ES
24/11

NOTE—Contn. sheet.

(23

1. Abdul Tahir Binturi Rissaldar Squadron Commander
2. Hanumantha Rao Powar, Rissaldar.
3. Abdul Gaffur, Officer, Commanding Depot.

A brief account of the disturbance between the soldiers of the Combined British Infantry Depot and the Officers and men of the Mysore Imperial Service Transport Corps on the night of the 29th March 1917 on the Munireddipalyam Road.

On the night of the 29th March 1917 between 8.30 and 9 P.M. three officers of the Mysore Imperial Service Lancers were driving a dog-cart from the Bangalore City back to the Imperial Service Lancers Lines. Near the Munireddipalyam road they were halted by 5 or 6 British Soldiers of the picquet of the 8th British Infantry combined Depot on the ground that the cart was being driven furiously without lights. The soldiers siezed the reins and the whip from the Depot Commandant's hands in spite of the protest of the Mysore Officers and dragged the cart along the road towards their guard room. When near the Transport quarter guard, the guard commandant had the reins released from the soldiers with the help of his men and turned the horse in the direction of the lines. It is alleged on the one side that the soldiers immediately got hold of and capsized the dog-cart and, on the other that the trap started off quickly and upset while turning the corner. All the occupants of the cart fell to the ground, the Depot Commandant(Ress. Abdul Ghaffer) breaking his leg and the others getting hurt. Meanwhile officers and men of the Tranport Corps and some officers and men of the British Infantry Depot came there. Medical assistance was immediately obtained for Resr. Abdul Ghaffur. But, Ress. Hanumantha Rao Powar is reported to have been hustled by the picquet. Major Denning, Inspecting Officer came there and thus

(24

prevented further developments. Ress. Abdul Ghaffur died on 29th April 1917 as a result of the injuries sustained by him.

On the 3rd April 1917 intimation of the disturbance was given by the Durbar to the Residency with a request - for an early enquiry. At the instance of Major Denning, the Chief Commandant of the Mysore State Troops ordered a court of Enquiry. Brigadier General Iggulden also ordered a garrison court of enquiry at Hebbal.

The finding of the Durbar Court of Enquiry was that undue interference was caused by the men of the picquet in detaining and dragging the dog-cart to be taken to their own quarter-guard.

The opinion of the British Court of Enquiry was

(a) that the N.C.O of the picquet acted in excess of his orders, but did so with the intention of stopping what might be a danger to the public generally;

(b) that from the conflicting evidence they cannot say to whose immediate fault the accident to the trap was due.

In reply to the Durbar's letter of 3rd April, the Residency forwarded a copy of the proceedings of the -- Court of Enquiry held under orders of General Iggulden, and observed that, in the opinion of the General, the occurrence seemed to have been the result of over zeal on the part of a young N.C.O. who by stopping the dog-cart over-stepped the limits of his duties and that for this act of negligence he had been ordered to be tried by District Court Martial. Private (Lance Corporal)

Parry, Sixth (Service) Battalion South Lancashire Regiment a soldier of the Regular Force was charged by the Court Martial with

" An act to the prejudice of good order and Military Discipline in that he, at Hebbal Camp, at or about 9.15 P.M. on the 29th March 1917, when in charge of a picquet of No. 8 Combined British Infantry Depot, patrolling the Hebbal-Bangalore Road, unlawfully stopped a dog-cart containing:-

Rissaldar Abdul Gaffur
Rissaldar Hanumantha Rao Powar
Rissaldar Abdul Tahir Binturi

of the Imperial Service Lancers and forced them to accompany him to the Guard Room of the Mysore Imperial Service Transport Corps. The accused pleaded not guilty

The District Court Martial found the accused not guilty of the charge.

From a consideration of all legal authorities bearing on the points involved in this case, the principle is clear that the conviction or acquittal of a soldier by a court martial is no bar to his trial by the ordinary court. In this case, the accused being European British subjects ~~their~~ his trial in Mysore could only be before a Justice of the Peace. But on the merits there does not appear to be a strong case for further action. The evidence about the actual up-setting of the dog-cart is conflicting. The question of identity will also be a difficult one to prove in a regular trial as the -

incident

incident took place at a late hour in the night.

SVS

2

Submitted to His Highness.

3

I submit for information, a note with connected papers, giving an account of the disturbance between the soldiers of the combined British Infantry Depot and the officers and men of the Mysore Imperial Service - Transport Corps, on the 29th March 1917, on the Munireddipalyam road.

2. The matter has been fully considered and there does not appear to be a strong case for any further action. The papers will be recorded.

H.H. 7542.

3. In another file, which is also submitted today, the grant of a special pension of Rs.20/- per mensem for a period of ten years to the widow of the late Mr.Abdul Gaffar, Risaldar, Imperial Service Lancers' Depot, who died in consequence of the injury sustained by him in this disturbance, has been recommended for His Highness' gracious sanction.

M. Viswanath

14th March 1918.

MR

(85

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Note giving an account of the disturbance between the soldiers of the combined British Infantry Depot and the officers and men of the Mysore Imperial Service Transport Corps on the night of the 29th March 1917 near the Munireddipalyam Road.

1017

Order.

~~KRM~~
15/3/18

Chief Secretary
16.3.18 RC

V
Copy 14/3 III 14/3/18

G. R. S[12]

355

129

General and Revenue Secretariat.	File No.	of 191 5.

Serial No.

Subd. May these papers be filed now?

BH.
18.3.18.

18/3

18/3

18/3

NOTE—Contn. sheet.

GPB—70,000—17 12-15

D.O.No.4214.

Pol 213-16/30

BANGALORE.

30th May 1917

Dear Sir,

With reference to your D.O. letter No. Pol. 1138, dated the 12th May 1917, I am desired to state for the information of the Durbar that the non-commissioned officer was acquitted by the District Court Martial.

2. I am to add that Mr. Cobb, who has carefully studied the proceedings of the court martial, considers that on the evidence produced, which fairly represented both sides of the story, it would have been difficult for the court to have arrived at any other decision.

3. Lastly, I am asked again to convey an expression of the Resident's sincere regret in regard to this unfortunate incident which has terminated in the death of one of the Durbar's trusted and valuable officers. Mr. Cobb hopes and believes that the full and careful manner in which the enquiry has been conducted by the military authorities together with the publicity following upon the holding of a district court martial will go far towards preventing the possibility of any similar occurrence in future.

Yours &c.

Y. S. G. Sastri

D. M. Narasinga Rao Esq.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

(31

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

CONFIDENTIAL

OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

Camp Mysore, 6th June 1917.

Dear Mr. Narasinga Rao,

I shall be obliged if you will kindly send me a copy of the judgment of the Court Martial acquitting the accused soldiers in the case of the disturbance between them and certain officers of the Imperial Service Regiment, in which the Commandant had his leg broken and subsequently died of the injuries. The Dewan has asked me to submit a Note to him about the matter, getting the necessary papers from you for reference.

Yours sincerely,

J. Narasinga Rao

N.B.— this form.

W D. 81—GPB—60,000—20-7-16

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT

(.)

, the *191* .

Issued from Camp Mysore

Date of issue 9/6/17

Signed by Mr. D. M. Lawrence Rao

Section Police

File No. 213.16

Serial No. 3

Camp No. 128

To

The F. A. Resident in

Mysore

Sir

With reference to correspondence ending with your letter No 4217 dated 30th May 1917 in the matter of the enquiry regarding the disturbance caused by British soldiers on the Muniradi palyam road on the night of the 29th March 1917

over.

43)

I am directed to request
you to be so good as to
furnish for the information
of the Durbar copies of the
entire proceedings before
the District Court-Martial
held over the Non-Commissioned
Officer of the Regiment
placed on duty on the
Hebbal road.

I have &c

for Secretary to Govt

E. D

List of enclosures.

Copied by

Examined by

W D66—GPB—60,000—15-11-16

154

G. R. S. Vl—G/32]

SUBJECT: 516

Remainder

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

Date of issue 25th January 1917

Signed by S. M. Misra Acting Secretary

Section

File No.

Serial No.

No. 8C-1285

To .

The J. A. Resident

Sir,

I am directed to invite
kind reference to my letter no.
Camp J28 dated the 9th June 1917
requesting to be furnished with copies
of the proceedings of the court martial
held on the non commissioned
officers of the picquet placed on duty
on the Hebbal Road on the 29th
March 1917 and to request you to
be so good as to obtain and forward

over.

2516

Two copies required if as early as possible.

2 hours.

FS 25/6
Hd Secy. to Govt.
Sl. Dept.

BG.
21.6.17

21/6

List of enclosures.

Copied by

Examined by

W D86—GPB—60,000—15-11-16

JUL 1917

GEN. & REV. SECRETARIAT GENERAL 5-JUL 1917

No. 5083.

103

19 -19

ACTION.

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

I.O.

Pol 12
5-7-17

GEN. & REV. SECRETARIAT JUDICIAL JUL 1917

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

Dated Bangalore, 4th July *1917.*

SIR,

With reference to your letter No. Pol.1285, dated the 25th June 1917, asking for copies of the proceedings of the Court Martial held on the Non-Commissioned Officer of the picquet pla on duty on the Hebbal Road on the 29th March 1917, I am directed to state that the military authorities have been addressed in the matter and a reply is awaited.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

MA

GEN. & REV. SECRETARIAT
14 AUG. 1917

37

GEN. & REV. SECRETARIAT
GENERAL
14 AUG. 1917

No. 6071

From

Major E. H. S. JAMES,
FIRST ASSISTANT to the RESIDENT in MYSORE.

Pol. 215
14-8-17

J 355
J 220

To

GEN. & REV. SECRETARIAT
JUDICIAL
14 AUG 1917

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

Dated Bangalore, 13th August 1917

Sir,

In continuation of my letter No.5083, dated the 4th July 1917, I am directed to forward a copy of the Proceedings of a District Court Martial of No.29626, Private (Lance Corporal) R Parry, 6th Battalion, South Lancashire Regiment, as requested.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

R. O. 2.—R. P. B.—7-1917.—1,000.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the president.

* Form of Proceedings for General, District and Regimental Courts-Martial.

Proceedings of a DISTRICT Court-Martial held at Bangalore on the 14th ~~17th~~ day of April 1917 by order of Brigadier-General H.A.Iggulden Commanding Bangalore Brigade dated the 11th day of April 1917.

President

Major R.Martin, Royal Irish Regiment.

Members

Captain G.H.Vasey, 2nd Dorsetshire Regiment.

Lieutenant H.Bean, 1st Seaforth Highlanders.

, Judge-Advocate.

Trial of* No.29626 Private (Lance Corporal) R.H.Parry, 6th South Lancashire Regiment.

At 10 a.m. o'clock the Trial commences.

(1) The order convening the Court is read, and is marked signed by the president, and attached to the proceedings.

The charge sheet and the summary of evidence are laid before the Court.

~~The Court has power to proceed.~~

(2) Lieutenant E.J.Geach, 2nd Garrison Battalion Northumberland Fusileers. appears as prosecutor, and takes his place.

The above-named, the accused, is brought before the Court.

Captain E.N.Bock, 6th South Lancas. appears to assist the accused.

The names of the president and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the president the accusen. 1. Do you object to be tried by me as president, or by any of the officers whose names you have heard read over ?

Answer by accused. 1. No.

(*N. B.*—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* insert No., Rank, full Name, Battalion and Regiment, and Appointment (if any)

Gulab Singh & Sons, Calcutta—No. 25 Army A.—30-4-13—33,000.

The president, members, and ~~Judge-Advocate~~ are duly sworn

~~the interpreter, officers and witnesses are duly sworn~~.

Q.2. Do you object to Subadar Major Manikum 61st Pioneers as Interpreter ?

A.2. No.

Charge-Sheet.

(3) The charge-sheet is signed by the president, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8), the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read ? *Question to the accused.* 3

Not guilty. *Answer.* 3

Are you guilty or not guilty of the second charge against you, which you have heard read ? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read ? *Question.*

Answer.

The [Accused] having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with

---

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty" until after the finding on those other charges, such finding being recorded on Sheet E. *Instruction.*

146 B.2

CHARGE SHEET.

Description of accused.

The accused No. 26906, Private (Lance-Corporal)Parry Sixth (Service) Battalion South Lancashire Regiment, a soldier of the Regular Forces, is charged with :-

1st Charge. Section 40 A.A.

"An act to the Prejudice of good order and Military Discipline".

in that he,

at Hebbal Camp, at or about 9.15 p.m. on the 29th March, 1917 when in charge of a picquet of No.8 Combined British Infantry Depot, patrolling the Hebbal Bangalore Road, unlawfully stopped a Dog Cart containing:-

Rissaldar Abdul Guffar.

Rissaldar Haunoonthakao Powar.

Rissaldar Abdul Talur Bintoori,

of the Imperial Service Lancers and forced them to accompany him to the Guard Room of the Mysore Imperial Service Transport Corps.

Sd/W.J.E.Benson, Major,
Commanding C.B.I.Depot No.8.

Bangalore,

10th March, 1917.

To be tried by D.C.M.

Sd/H.A.Iggulden, Brig-General,
Commanding Bangalore Brigade.

Bangalore,

11th March 1917.

Sd/R.Martin, Major,
President D.C.M.

C

Proceedings on Plea of Not Guilty.

(5) The prosecutor makes the following address [hands in a written address, which is read, marked , signed by the president, and attached to the proceedings.]

The prosecutor proceeds to call witnesses.

First witness for prosecution. 2nd Lieut. A.S.Powers, D.S.O., M.C. 6th East Lancashire Regiment.

being duly sworn, is examined by the prosecutor.

On 29th March at about 10 p.m. I was sitting in the Mess at Hebbal Camp, when I heard the fire alarm going. I immediately went down to the Camp to see what was the matter and found that some of the Depot had been turned out as there was trouble with the native troops. I then went along the road to where the native troops were quartered. On arrival I saw a man in a drunken condition between two of the picquet The man was a native in plain clothes. I ordered him to be arrested but was told by Major Denning who then arrived that he was a native officer and it would be better not to put him under arrest. He was inclined to agree with me that the man was drunk.

Friend of accused declines to cross-examine witness.

Evidence is read ~~over~~ to witness and R.P.S.J B has been complied with.

Witness withdraws.

2nd witness for Prosecution.

2nd Lieut. V.J.Matthews, 6th South Lancs., being duly sworn/is examined by Prosecutor and states :-

On 29th March I was Orderly Officer for No.8 Depot. About 9.45 p.m. I heard the fire alarm sounded in No.7 Depot. I went down there to see what was the matter and met Regimental Sergeant-Major who told me that the picquet posted between Hebbal Camp and Bangalore Cantonment Station was in trouble. I went down to see what was the matter and when outside the Native Cavalry Depot guard room I saw a crowd of men among who

whom was the accused Lance Corporal Parry., He was in charge of the picquet and I asked him what was the matter, and he told me that at about 9.30 p.m. a Native Cart was driving furiously up the road without lights. He shouted to them to be careful whereupon one of the occupants of one cart hit one of the picquet with a whip which I produce. There was a crowd of about twenty natives but no fighting or struggling was going on. I then returned to Camp and told the Sergeant-Major to send six more men down for the picquet.

Cross-examined by accused's friend.

Q. 4. Was I under arrest when you arrived ?

A. 4. I cannot say for certain as there was a crowd round you.

Q. 5. Did you see any drunk natives ?

A. 5. Yes, I saw one drunk man dressed in white, but I could not identify him again owing to the darkness.

Evidence is read to witness. R.P. 83 B has been complied with

Witness withdraws.

No.28322, Private E.G.Hughes, 6th South Lancas.Regt., being duly sworn is examined by Prosecutor and states:- 3rd witness for Prosecution.

On 29th March about 9.30 p.m. I was on picquet on the Hebbal Bangalore road and I saw a gharry coming swerving from one side of the road to the other which was dangerous to the troops and picquet on the road. Lance Corporal Parry the accused who was commanding the picquet ordered me and Private Coldwell to stop the Cart. In complying with the order the occupants of the gharry spoke something in their own language which I did not understand. At the same time I was twice struck by the driver after a while the gharry stopped. It had no lights and Lance Corporal Parry told the picquet to escort gharry and occupants to the native guard room to report. When we arrived there the Commander of the guard recognised the occupants of the gharry and taking the reins from Lance Corporal Parry turned the Cart round and allowed them to go. At the

same

same time the Commander of the guard put the picquet under arrest the guards having drawn swords. Lance Corporal Parry ordered me to go to Camp and tell Sergeant-Major Thorpe what had happened. I told Sergeant-Major Thorpe and returned to the picquet, after which we received orders to carry on the patrol.

Cross-examined by accused's friend.

Q. 6. Do you consider the occupants of the gharry were drunk or sober ?

A.6. Drunk and incapable of looking after their cart.

Evidence is read to witness. R.P.83 B has been complied with.

Witness withdraws.

4th witness for Prosecution.

No.5924 Depot Sergeant-Major H.Thorpe 6th East Lancas. Regiment, being duly sworn states :-

On evening of the 29th March I mounted a picquet for duty on the Hebbal road. Lance Corporal Parry was in command of it and his orders were that he was responsible for the behaviour of the troops he was to confine drunks of Nos. 7 and 8 Depots in their respective guard rooms and to report any unusual occurrence to me. He had also to see that British troops on cycles had their lamps lit. About 9.50 p.m Private Hughes reported to me that there was trouble between the picquet and some natives down the road. I at once went down and arriving at the native guard room I found the picquet under arrest the guard having drawn swords. Lieut. Matthews arrived and ordered me to strengthen the picquet which I did. The picquet carried ordinary side arms. I saw one native staggering about the road and I consider he was drunk. He was dressed in civilian clothing.

Accused's friend declines to cross-examine. Evidence is read to witness. R.P.83 B, has been complied with.witness withdraws.

No.28385 Private J.W. Fletcher, 6th South Lancashire Regiment being duly sworn states :- 5th witness for Prosecution.

I was on picquet with Lance Corporal Parry on the night of 29th March last, and I saw a Cart without lights coming down the road very fast, the driver not seening to have any control over it. I heard Lance Corporal Parry shout halt. The cart went on and I saw the Lance Corporal and two men run after it, and it stopped some little distance away. Lance Cpl.Parry told me he had placed the cart and occupants under arrest and detailed me as part of the escort to convey them to the native guard room. One of the occupants of the cart close to me was very drunk : if I had not been alongside the cart he would have fallen out. He kept saying in English, "Thank you, sir", On arriving at the guard room the man I refer to in the cart said something to the Commander of the guard and we were at once surrounded and the trap was turned round by two native soldiers and went off and overturned a few yards away as it was going round the corner. When it overturned there was no one near it except the native occupants.

Friend of accused declines to cross-examine the witness. Evidence is read to witness. R.P.83 B has been complied with.

Witness withdraws.

Lance Dafadar Senbaji Moluti, Myosre Imperial Service Troops, being duly sworn states :- 6th witness for Prosecution.

I was guard commander on 29th March at night and the sentry turned the guard out. The Commanding Officer came in the cart and asked who was the guard commander and I gave my name. The Commanding Officer Adjutant and another Indian Officer were in the cart. At this time two soldiers (British) had hold of the reins. The Commanding Officer told me to take the reins from the soldiers and turn the cart round. I said to the soldiers in English, "Please leave off." I took the reins from the soldiers and gave to the Commanding Officer who turned the cart round. The Adjutant gave orders to surround the English soldiers and we did so. I saw the cart

cart upset and it was then that the Adjutant told us to surround the soldiers. One British N.C.O. came on a cycle and spoke to one of the British soldiers; and asked me my number and name, but I did not give it but asked the N.C.O. for his. The British soldiers were at the native guard room for about one hour.

Friend of accused declines to cross-examine witness.

Evidence is read to witness. R.P.83 B. is complied with, witness withdraws.

7th witness for Prosecution.

Kumda Rao Nalay, No.1086 Sowar, Imperial Service Lancers being duly sworn states :-

At about 9.15 p.m. on March 29th evening a cart was coming from Cantonments. In the cart was my Commanding Officer, Adjutant and two others. Commanding Officer called from the cart, "who is the N.C.O. in charge of the guard". I gave the guard Commander's name. I gave the order to turn out the guard. The Commanding Officer told the N.C.O. in charge of the guard to release his cart from the British soldiers and turn it round. The guard commander went to the British soldiers and told them it was his Commanding Officer and took the reins from the soldiers. The British soldiers said they wanted to take the cart and occupants to their own Camp. The reins were given to the Commanding Officer and he turned the cart round : British soldiers were following the cart.

Cross-examined by accused's friend.

Q. 7. How did you understand what the British soldiers were saying?

A. 7. The British soldiers said No! No! and I gathered they wanted to take the cart away.

Q. 8. Were the C.O. and Adjutant in Uniform ?

A. 8. No. Plain clothes.

Q. 9. Were the C.O. and Adjutant quite sober ?

A. 9. I did not notice.

Evidence is read to witness and R.P.83 B, is complied with.

Withness withdraws.

Rissaldar Abdul Tahir Bintoori, Mysore Imperial Service Lancers, being duly sworn states :- 8th witness for Prosecution.

On night of 29th or March the C.O. Adjutant and myself were driving in a cart from Bangalore to our lines.On our way out on the road some British soldiers called Halt! halt! The cart was going at a fair pace. We had lights. The soldiers came running and caught hold of the mule and cart and asked us, " why do you not obey our orders"? I told the soldiers, "we are friends to you, don't trouble us, we are going to our lines; take us to our guard". The soldiers took us to our guard where the depot Commander called the Daffadar of the Guard and told him to make the soldiers understand that we were officers and going to our lines.Afterwards they wanted to take us to the British Guard. Our Depot Commander turned the mule and whipped it. The soldiers followed the cart jerked the mule's bridle and the cart turned over. The O.C.told me his leg was broken.

Cross-examined by accused's friend.

Q.10. As you can speak English why did you not tell the soldiers yourself ?

A.10. I told them who we were but they took no notice.

Questioned by the Court.

Q.11. Had you taken some liquor in Bangalore ?

A.11. Yes a little.

Q.12. Are you Mohommedan ?

A.12. Yes.

Q.13. Had the others in the cart taken any liquor ?

A.13. Yes we had all had about the same.

Q.14. Are you certain you had lights.

A.14. Yes.

Evidence is read to witness. R.P. 83 B is complied with.

Witness withdraws.

At-

At 3.15 p.m. the Court adjourned till 10 a.m. 17th April for the purpose of securing the presence of certain witnesses.

On 17th April 1917 the Court re-assembled at 10 a.m. pursuant to adjournment, the same Members being present as on the 14th instant.

9th witness for Prosecution.

No:9130 Corporal Prior, 1st Ox. and Bucks.Light Infantry having been duly sworn states :-

On the night of the 29th March last I was cycling along the Hebbal road about 9.50 p.m. and I saw a crowd of men standing on the right hand side of the road near the Native guard room and I heard a voice call out " who are you"? I replied "I am a Corporal of the Oxford's", and as I was getting off my cycle the voice said "For God's sake get an officer". On turning to see who was speaking my handle bars were seized by two natives with drawn swords in uniform.Also a native in white stood in front of me. This native was drunk One native soldier took my cycle away from me, the other held me by the sleeve until an officer came down. The native in white told me in English I should have to stay there till an officer came.

Friend of accused declines to cross-examine.

Cross-examined by Court.

Q.15. Had you see any disturbance ?

A.15. No I was merely passing at the time.

Q.16. Did you see any cart on the road near the guard room ?

A.16. No.

Evidence is read to witness. R.P. 83 B has been complied with. Witness withdraws.

10th witness for Prosecution.

Rissaldar Hanoonmantha Rao Powar, Mysore Imperial Service Lancers being duly sworn states :-

On the 29th March the Depot Commanding Officer, Rissaldar Abdul Tahir Bintoori and myself were driving from Bangalore to our lines. About 9.15 p.m. six soldiers came and

and ordered us to halt but we went on driving but the soldiers surrounded us and one caught hold of the mule and took our sticks away. Rissaldar Bintoori told the soldier in English, "We are officers". The soldiers told us to come to their Quarter Guard and we went with them to the transport Quarter Guard. The Depot Commandant called the sentry and told him to release us from the soldiers. The cart we were in was driven a little further and then upset by the soldiers. I fainted for three or four minutes and then I found the soldiers had gone. I then called to the sentry not to let the soldiers go and then I went to the guard room and saw the soldiers halted by the sentry remaining there. A British Officer came and ordered the soldiers to take me to their Quarter Guard and the soldiers gave me a couple of blows and pushed me ten or fifteen yards. Then one Inspecting Officer came and released me.

Friend of accused declines to cross-examine.

Examined by Court.

Q.17. What time did you go into Bangalore ?

A.17. About five O'clock.

Q.18. What time did you leave Bangalore ?

A.18. At 5.45 p.m.

Q.19. This disturbance took place at 9.15 p.m. what were you doing between 5.45 and 9.15.

A.19. Buying clothes.

Q.20. Where had you been drinking ?

A.20. In the Bazaar.

Q.21. What liquor did you take ?

A.21. Country liquor.

Q.22. How were you dressed and what colour ?

A.22. In plain clothes.with a white coat.

Q.23. When you were stopped were you driving fast or slow ?

A.23. Slow.

Q.24. Who was driving ?

A.24. The Depot Commandant.

Q.25. The Depot Commandant had he or had he not been drinking Country liquor ?

A.25

A.25. Yes he had been.

Q.26. Had you lights on the cart ?

A.26. Yes.

Evidence is read to witness. R.P. 83 B has been complied with.

Witness withdraws.

The prosecution is closed.

Defence.

27. *Question to the accused.* Do you apply to give evidence yourself as a witness ?

27. *Answer.* Yes.

28. *Question.* you intend to call any other witness in your defence ?

28. *Answer.* Yes.

29. *Question.* Is he a witness to character only ? *Answer.*

29. Yes.

(7) [If the accused gives evidence himself but calls no other witness to the facts of the case, his evidence will now be taken on a separate sheet.]

(6 & 7) * [~~The prosecutor addresses the Court upon the evidence for the prosecution (and the evidence of the accused) as follows :—~~

~~(Hands in a written address, which is read, marked , signed by the president, and attached to the proceedings.)~~]

30. *Question to the accused.* † (6, 7 & 8) Have you anything to say in your defence ?

30. *Answer.* friend
The accused in his defence ~~says~~ :—

[Hands in a written address, which is read, marked M , signed by the president, and attached to the proceedings.]

Instruction. * If the accused calls other witnesses to the facts of the case, whether he himself gives evidence or not this paragraph will be struck out and the course laid down in P. P. Appendix II. (8) will be followed.

† This question will always be asked, whether the accused has given evidence or not.

The accused calls the following witnesses * [as to character]

Captain E.M.Bock,6th South Lancas., being duly sworn, is examined by the accused. *First witness for the defence [*as to character].*

The accused has been under my command since the beginning of January this year and has proved himself a trustworthy N.C.O. I have never had occasion to find fault with his work or general behaviour. I attach a statement by his former Company Officer. He has a clean sheet.

Prosecutor declines to cross-examine.

Evidence is read to witness. R.P. 83 B has been complied with. Witness withdraws.

---

* If witnesses are called, excepting as to character, these words are to be struck out.

DEFENCE.

Accused takes his stand at the place from which the other witnesses give their evidence.

No.26926 Lance Corporal R.H.Parry 6th Battalion South Lancashire Regiment being duly sworn states :-

On the night of the 29th instant I was in charge of a picquet and saw a cart coming fast along the road from the direction of Bangalore swerving from side to side. Thinking it a source of danger to the troops on the road and to the picquet. I stopped it. It had no lights. I took some matches from my pocket and one of the picquet lit the right hand lamps. Seeing them incapable of controlling the trap I took them to the native Cavalry guard room. The Corporal of the Guard took the trap from me and placed the picquet and myself under arrest with drawn swords. The last witness for the prosecution had to be kept held up in the cart to prevent his falling out as he was very drunk.This witness also placed Corporal Prior under arrest.

Prosecutor cross-examines.

Q.31. Had you ever heard of any disturbances taking place before between natives and British ?

A.31. No.

Q.32. How long have you been at Hebbal ?

A.32. Since February 16th.

Examined by Court.

Q.33. When did you realise that these three natives were officer ?

A.33. Not till I had been put under arrest in the Guard Room.

Evidence is read to witness. R.P. 83 B has been complied with. Accused withdraws, from the place from which he has given his evidence.

M. 1. 53

Statement for the accused.

- - - - - - - - - - -

The accused is charged first by with unlawfully stopping a dog cart.

He saw a cart coming along the road swerving from side to side of the road, with no lights lit. The cart was a danger to soldiers returning to Camp and also to the picquet. I take it the accused was entitled to safeguard troops on the road.

He is further charged with forcing the cart to accompany him to the native Guard Room.

His reason for doing this is that the occupants of the cart were drunk. We have had witnesses to this effect in the persons of 2nd Lieut. Spowers, Sergeant Major Thorpe, Corporal Prior and Privates Hughes and Fletcher.

The actions of the occupants also bear this out as follows :-

(i) Abdul Gaffir ordered Corporal Prior to be put under arrest. Why? seeing he was only a passer-by.

(ii) Two of the occupants could speak English but could not make themselves understood to the picquet.

(iii) Is it the practice of sober officers to beat Private soldiers with whips ?

Sd/E.N.Bock, Captain.

Sd/R.Martin, Major,
President D.C.M.

No.26906 Private a/Lance Corporal Parry was my soldier servant before I left England for Mesopotamia and he remained with me until I went sick up the Gulf. During the time he was everything that could be desired honest, sober and painstaking and is a man that could be thoroughly trusted.

Sd/G.F.Blackburne, Captain,
3rd attached 6th South Lancas Re.

14.4.1917.

Certified true copy.

Sd/E.N.Bock, Captain,

Sd/ R.Martin, Major,
President D.C.M.

E

Finding.*

(10) The Court is closed to consider their finding.

(10 and 11) The Court find that the accused No.26926 Private (Lance Corporal)R.H.Parry, 6th South Lancashire Regiment is not guilty of the charge.

The Finding is read in open Court and the accused is released.
Signed at Bangalore, this the Seventeenth day of April 1917.

Sd/H.A.Iggulden, Brig-General,
Commanding Bangalore Brigade.

Sd/R.Martin, Major,
President D.C.M.

Proceedings on Conviction *before Sentence.*

~~(12) The Court being re-opened, the accused is again brought before it.~~

Evidence of character, &c.

~~is duly sworn.~~

Question by the President.

~~Have you any evidence to produce as to the character and particulars of service of the accused ?~~ *Answer.*

~~The above statement (with the schedule of convictions) is read, is marked signed by the president, and annexed to the proceedings.~~

Question by the President.

~~Is the accused the person named in the statement which you have heard read ?~~ *Answer.*

Question.

~~Have you compared the contents of the above statement with the regimental books ?~~ *Answer.*

Question.

~~Are they true extracts from the regimental books, and is the statement of entries in the conduct sheet a fair and true summary of those entries ?~~ *Answer.*

~~Cross-examined by the Accused~~

(Instruction.—*If by reason of the nature of the service of the accused in a depar mental corps, or otherwise, any finding of the court renders him liable to any exceptional punishment in addition to that to be awarded by the court (for instance, forfeiture or reduction of corps pay), the prosecutor must call the attention of the cou t to the fact, and the court must inquire into the nature and the amount of such additional punishment.*

Question to the accused.

~~Do you wish to address the Court ?~~ *Answer.*

~~The Court is closed to consider their sentence.~~

* To be omitted except in cases of a plea of "Not Guilty" having been proceeded with.

Sentence.

The Court sentence the accused.

A. F. A47.
Gratis.

57

COURTS-MARTIAL.

No. 1.

Form of Order for the Assembly of a General or District Court-Martial.

Brigade Orders by Brigadier General H.A.Iggulden

Commanding the Bangalore Brigade

(Place and Date) Bangalore 11th April 1917.

The detail of officers as mentioned below will assemble at The Garrison Court Martial Room, Bangalore Brigade Office on the Fourteenth day of April 1917 for the purpose of trying by a District court-martial the accused person (persons) named in the margin [and such other person or persons as may be brought before them].*

No.29626 Private (Lance Corporal) R.H.Parry, 6th Bn., South Lancashire Regiment.

PRESIDENT.

Major R.Martin, Royal Irish Regiment., is appointed president.†

NOTE.—The President must be named. The members and the waiting members may be mentioned by name, or the number and ranks and the mode of appointment may alone be named.

MEMBERS.

Captain G.H.Vasey, 2nd Battalion Dorsetshire Regiment.

Lieutenant I.F.Woolaston, 1st Battalion Seaforth Highlanders.

Prosecutor.

Lieutenant E.S.Geach, 2nd Battalion Northhumberland Fusileers.

Interpreter.

[illegible]

Subadar Major Manikum., 61st Pioneers, is appointed Interpreter.

[illegible]

The accused will be warned, and all witnesses duly required to attend.

The proceedings will be forwarded to The Brigade Major Bangalore Brigade.

Signed this eleventh day of April 1917.

By Order,

Sd/R.Martin, Major, President D.C.M.

Sd/B.O.Reynold, Captain, for Brigade Major.

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* *Any opinion of the convening officer with respect to the composition of the Court (see Rules of Procedure 20 and 21) should be added here, thus:*—"In the opinion of the convening officer, officers of different corps are not, having due regard to the public service, available," *or as the case may be.*

† *Add here, if the president is under the rank of field officer, and the officer convening the Court is not under that rank,* "In the opinion of the convening officer a field officer is not, having due regard to the public service, available." *In the case of a District Court-Martial if the president is under the rank of captain add,* "In the opinion of the convening officer a captain is not, having due regard to the public service, available."

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B R I G A D E O R D E R S

by

Brig-General H.A.Iggulden.

Commanding Bangalore Brigade,

Bangalore Friday, 13th April 1917.

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x x x

612. Judicial:- With reference to Brigade Order No.598 dated 11th April 1917, for the name of Lieutenant I.F.Woolaston, 1st Seaforth Highlanders substitute the name of Lieutenant H. Bean, 1st Bn. Seaforth Highlanders.

x x x

Sd/G.H.Plinston, Captain,
Brigade Major, Bangalore Brigade.

No. 417 of 1916/17.

I. A. F. D909
Gratis

COURT-MARTIAL DOCKET.

(See para. 33. A. R. I., Vol. II.)

~~General~~ District. COURT-MARTIAL.

~~Original~~ ~~Duplicate~~.*

FORWARDED to the O. C. the _____

at _____ for communication of the charge, finding, sentence, and confirmation to the prisoner. After the extracts necessary for the regimental conduct sheet have been taken, and the certificate below has been signed and dated, these proceedings are to be sent direct to the Deputy Judge Advocate General, _____

No. 26926 *Rank* Private (Lance Corporal)

Name R.H. Parry.

Corps 6th (Service) Battalion South Lancashire Regiment.

Tried at Bangalore.

on the 14th and 17th April 1917.

CERTIFIED that the charge, finding, ~~sentence and confirmation~~ have been communicated to the prisoner, and that the extracts necessary for the regimental conduct sheet have been taken.

Sd/W.J.P.Benson, Major,
Comdg. C.B.I.Depot, No.8.
No.2.
Station Hebbal Camp Bangalore. *Date* 20th April 1917.

(If the confirming authority decides to publish the proceedings in divisional, brigade or station orders, the number and date of the promulgating order should be noted below.)

REGISTERED.

No. _____

No. 194 of 1916/17.

Sd/R.C.Onslow, Colonel,
Deputy Judge Advocate General.
Southern Army.

Expunge whichever heading is inapplicable.

True copy.

A Carnana Colonel,
Judge Advocate General in India.

Gulab Singh & Sons, Calcutta—No. 8 I. A. D.—2-7-15—5,000.